

RURAL COMMUNITY INSURANCE SERVICES)
(Owen Farms, Inc. and Steve Owen),)

AGBCA No. 1999-180-F

Appellant)

Representing the Appellant:)

Daniel N. Rosenstein)
Levin & Rosenstein, P. C.)
1130 Seventeenth Street, N. W.)
Suite 314)
Washington, D. C. 20036)

Representing the Government:)

James H. Wood)
Office of the General Counsel)
U. S. Department of Agriculture)
2550 University Avenue West)
Suite 416N)
St. Paul, Minnesota 55114-1052)

DECISION OF THE BOARD OF CONTRACT APPEALS

July 7, 2000

Before HOURY, POLLACK, and VERGILIO, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of a 1997 Standard Reinsurance Agreement (SRA) between the Federal Crop Insurance Corporation (FCIC), a wholly-owned Government corporation within the U.S. Department of Agriculture and Rural Community Insurance Services (Rural) of Anoka, Minnesota (Appellant). Under the SRA, Appellant sells and administers Multi-Peril Crop Insurance (MPCI) policies in furtherance of the FCIC crop insurance program. The dispute involves a challenge to a compliance action by FCIC. The Board has jurisdiction over this appeal pursuant to 7 C.F.R. §§24.4(b), 400.169(d).

In June 1999 the Deputy Administrator for Compliance of the Risk Management Agency (RMA) issued a final administrative determination regarding two compliance cases, one involving MPCI policyholder Owen Farms, Inc. and the other policyholder, Steve Owen. In the first matter, FCIC

found Rural to be liable for an indemnity overpayment to Owen Farm of \$40,053 and a premium overstatement of \$6,384. In the second matter, Rural was determined to be liable for indemnity overpayment to Steve Owen of \$18,972 and a premium overstatement of \$3,141. The Appellant had paid the insured for losses on 2,424 acres. The amount of acreage was later disputed by FCIC and in the compliance action, which is the subject of the appeal, FCIC concluded that only 1,571 acres qualified as the share for insurance coverage.

Appellant filed a timely appeal of the final administrative determination and the matter was docketed on August 2, 1999. Thereafter, the parties proceeded with pleadings and preparation of the appeal file. The parties agreed to submit the matter on the record and by letter of February 24, 2000, the Board advised the parties of a schedule for supplementing the record and for briefing. By letter of March 10, 2000, the Board was advised that the parties had reached a settlement and would be filing a Settlement and Release Agreement. Under cover letter of April 26, 2000, the Appellant filed the Settlement and Release Agreement, which contained language that called for the Board to dismiss the appeal with prejudice.

DECISION

In accordance with the Settlement and Release Agreement of the parties, the Board dismisses this appeal with prejudice.

HOWARD A. POLLACK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D. C.
July 7, 2000.